

The proposed broadcast flag could not be securely implemented by libre or open source programs. This would make it impossible to make free or libre receiving software which would comply with the proposed regulation. At the risk of stating the obvious, this would be very bad indeed. It would strengthen the monopolies currently enjoyed by a few proprietary software companies. Worse, it would almost surely raise the barriers to entry into the business of selling digital content. This would strengthen the existing oligopoly in that field. I should not have to remind you that monopolies and oligopolies are generally detrimental to the public interest.

The basis for requiring the broadcast flag seems to be the fear that some content providers will choose not to sell their content in digital form. This does NOT seem to be a credible threat; if digital transmission becomes the only market, they can publish there, or fail to publish. This threat also seems toothless; even if Disney and their fellow oligopolists choose to go out of the broadcast entertainment business, there will be others who will willingly fill the gap.

In short, this proposal seems to be crafted to harm the public good to line the pockets of a few entertainment companies. I understand that bringing digital TV to the US has been a priority of the FCC for many years, but it should not be done at the expense of our personal freedoms. I strongly urge you to decide not to require that all receiving software honor the broadcast flag.